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UNITED STATES BANKRUPTCY COURT
DISTRICT OF MONTANA

In re:

THORCO, INC.,

Debtor.

THORCO, INC., a Montana corporation,

Plaintiff,

vs.

WHITEFISH CREDIT UNION, a
federally-insured Montana-chartered
credit union; MO SOMERS, LLC, a
Montana limited liability company;
RUIS GLACIER, LLC, a Montana
limited liability company; NEAL
BOUMA, an individual; and DOES 1-10,

Defendants.

Case No. 22-90119-JMM

Chapter 11

Adversary No. 22-09003-JMM

**DEFENDANTS MO SOMERS LLC
AND RUIS GLACIER, LLC'S
JOINDER IN WHITEFISH CREDIT
UNION'S AND NEAL BOUMA'S
REPLY BRIEFS IN SUPPORT OF
MOTION TO DISMISS WITH
PREJUDICE**

COME NOW, Defendants MO Somers LLC and Ruis Glacier, LLC

(collectively "Defendants") and respectfully submit their Joinder in Defendant

Whitefish Credit Union's ("WCU") Reply Brief in Support of the Motion to Dismiss, as well as Defendant Neal Bouma's ("Bouma") Reply Brief in Support of the Motion to Dismiss the Adversary Complaint (the "Motion") filed by Debtor/Plaintiff Thorco, Inc. ("Thorco"). Defendants have joined in the Motion, and have incorporated all factual background, argument, legal analysis, and the requested relief sought by WCU and Bouma into Defendants' position here.

Both WCU and Bouma have submitted reply briefs in support of the Motion. For the sake of brevity, and judicial economy, rather than file a separate brief, Defendants incorporate by reference, as if fully stated herein, the factual support, arguments, and legal analysis set forth in the reply briefs submitted by WCU and Bouma.

Further, like Bouma, Defendants also request the Court take judicial notice of the decisions of the Montana Supreme Court – *Thornton v. WCU*, 2019 MT 138N, 396 Mont. 549, 455 P.3d 435 ("Thornton") and *Thorco v. Whitefish Credit Union*, 2021 MT 207N, 405 Mont. 537, 492 P.3d 1228 ("Thorco") – pursuant to F.R.E. 201 and Rule 9017, Fed. R. Bankr. P. There, and of the utmost importance, the Montana Supreme Court held the transfer of title to WCU was proper and that Thorco had no interest in the property once WCU recorded the deeds. *Id.* (emphasis added). These decisions are attached to WCU's opening brief in support of the Motion as Exhibits A and B. (Dkt. 10.)

For the reasons set forth in WCU's opening brief, WCU's and Bouma's reply briefs, and herein, the Motion should be granted, and all claims against Defendants, WCU, and Bouma should be dismissed, with prejudice, as a matter of law.

DATED this ____ day of February, 2023.

LAIRD COWLEY, PLLC

By: _____
Tyler C. Smith
Attorneys for Ruis Glacier, LLC